

REMARKS

The Examiner is thanked for the thorough examination of the present application. The FINAL Office Action, however, continued to reject all claims 1-7. In response, Applicant submits the foregoing amendments and the following remarks. Specifically, claims 1 and 7 are amended to more clearly define over the applied art. No new matter has been added to the application by these amendments. On entry of this amendment, claims 1-7 remain pending in the application. Reconsideration of this application is respectfully requested in view of the amendments and the remarks contained herein.

Rejections Under 35 U.S.C. §102(b)/§103(a)

Claims 1-4, 6, and 7 stand rejected under 35 U.S.C. §102(b) or 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,561,068 to Meredith (hereinafter “Meredith”) in view of U.S. Patent No. 5,060,548 to Sato (hereinafter “Sato”). Claim 1 is further rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 3,157,235 to Raizk (hereinafter “Raizk”) in view of SU 197708 to Borisov (hereinafter “Borisov”). Claim 5 is rejected under 35 U.S.C. §103(a) as unpatentable over Raizk in view of Borisov and furthering view of Applicant Admitted Prior Art (AAPA). Applicant respectfully requests reconsideration and withdrawal of the rejections for at least the reasons set forth below.

The rejection of a claim for anticipation under 35 U.S.C. §102 requires that the prior art reference include every element of the rejected claim. Furthermore, as stated by the Federal Circuit, the prior art reference must disclose each element of the claimed

invention “arranged as in the claim.” *Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

Independent claim 1 recites:

1. An apparatus for splitting a test piece, comprising:
 - a base with a centerline;
 - two pillars disposed on the base separated by a fixed first interval to support the test piece at a first side thereof, wherein a connection line between the pillars is perpendicular to and divided equally by the centerline; and
 - a sliding piece disposed on and in contact with the base at a second side of the test piece***, which is opposite to the first side thereof, ***wherein the sliding piece is slidable on the base along the centerline thereof and has two fingers parallel to the centerline separated by a second interval***, which is smaller than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline.

(*Emphasis added*). Claim 1 patently defines over the cited art for at least the reasons that the cited art fails to disclose the features emphasized above.

As reflected above, independent claim 1 defines an apparatus for splitting a test piece, comprising a base with a centerline, two pillars and a sliding piece. The two pillars are disposed on the base separated by a fixed first interval to support the test piece at a first side thereof, wherein a connection line between the pillars is perpendicular to and divided equally by the centerline. The sliding piece is disposed on and in contact with the base at a second side of the test piece, which is opposite to the first side thereof, wherein the sliding piece is slidable on the base along the centerline thereof and has two fingers parallel to the centerline separated by a second interval, which is smaller than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline.

Similarly, independent claim 7 defines an apparatus for splitting a test piece, comprising a base having a groove formed along a centerline defined on the base; two pillars disposed on the base and separated by a fixed first interval to support the test piece, wherein a connection line between the pillars is perpendicular to and divided equally by the centerline; and a sliding piece disposed on and in contact with the base, having a protrusion slidable in the groove, wherein the sliding piece has two fingers parallel to the centerline and separated by a second interval, which is smaller than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline.

Differences between Meredith/Sato and claims 1/7

In contrast to the claimed features, Meredith relevantly discloses a sliding saw comprising a rotatable table 12, a base 11 rotatably supporting the table 12, a fence 23, and a saw unit 16. The fence 23 is fixedly attached to base 11 and has a left portion 23L, a right portion 23R and a middle portion 23M connecting the left and right portions 23L and 23R. See FIG. 2 and col. 2, lines 10-19 of Meredith.

In Meredith, the fence 23 is fixedly attached to base 11, but not the table 12. Hence, the table 12 of Meredith does not teach the base with two pillars disposed thereon, as recited in independent claims 1 and 7 of the present application. For at least this reason, the rejections of claims 1 and 10 should be withdrawn.

Additionally, as the saw unit 16 of Meredith is disposed on a carriage assembly 300 and not in contact with the base 11 or the table 12, Applicant therefore believes that Meredith does not teach or suggest the two pillars disposed on the base and separated

by a fixed first interval to support the test piece, as recited in claims 1 and 7 of the present application.

Furthermore, since the movable blade guide 21 of Meredith is pivotally attached to upper blade guard 19 by pin 27 (FIGs. 3A and 3B) for covering the lowermost region of the blade 18, it cannot be equal to the fingers of the present application for splitting a test piece, wherein a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline. For at least this reason, the rejections should be withdrawn.

With regard to Sato, Sato relevantly discloses a desk-top circular saw comprising another type of blade guide 37. As disclosed in column 5, lines 33-37 and Figs. 9 and 17-19 of Sato, the knob 38 locks the guard 37 so that the workpiece support surface of the fence 3 and the edge of the guard 37 assume the same position, and the handle 18 is then pushed down to form a cut in an end of the guard 37. Applicant notes that the guard 37 shown in FIG. 18 of Sato is not disposed on the slidable circular saw (sliding piece), and it cannot be equal to the movable blade guide 21 or the fingers of the sliding piece for splitting a test piece, as recited in claims 1 and 7 of the present application.

Applicant further recognizes that the sliding saw of Meredith is in a very different technical field than that of the present invention, and Applicant's invention solves a different problem than Meredith. Namely, the sliding saw with a blade is very distinguished from the apparatus for splitting a test piece.

For at least the reasons described above, it is Applicant's belief that neither Meredith nor Sato teaches or suggests all the limitations of claims 1 and 7. Thus, even

if Meredith and Sato could be properly combined, the resulting combinations fails to teach or suggest all the limitations of claims 1 and 7 of the present application.

As claims 1 and 7 patently define over the cited references and are in condition for allowance, claims 2-4 and 6 are also allowable by virtue of their dependency from claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Differences between Raizk/Borisov and claim 1

Raizk relevantly discloses a scrap metal breaker comprising a base 38, two pillars 32/33, and a sliding piece 23. As shown in FIG. 3 of Raizk, the sliding piece 23 is distant from the base 38. Applicant therefore submits that Raizk fails to teach or suggest the sliding piece disposed on and in contact with the base, as recited in independent claims 1 and 7.

Borisov discloses a rolled stock cold breaking machine comprising a supporting V-shaped block 2 disposed on a fixed base 1. In Borisov, the V-shaped block 2 is a “fixed” member for supporting the stock 5, rather than the fingers of the sliding piece slidable on the base along the centerline thereof. Hence, Applicant submits that the V-shaped block 2 of Borisov cannot be properly equated to the two fingers of the sliding piece, as recited in claim 1.

For at least the reasons described above, Applicant submits that the cited art fails to teach or suggest all the limitations of claim 1. Even when taken in combination, the prior art references relied upon by the Examiner do not teach or suggest all the limitations of claim 1 of the present application. Applicant therefore respectfully requests that the rejection of claim 1 be withdrawn.

Rejection of Claim 5 under 35 U.S.C. § 103(a) over Raizk, Borisov and AAPA

As claim 1 patently defines over the cited references and is in condition for allowance, Applicant respectfully requests that the rejection of the claim 5 be withdrawn and the claim passed to issue by virtue of their dependency from claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Withdrawal of the rejections and allowance of the claims are respectfully requested. We hope these comments are helpful to you to prepare an appropriate response. Should you have any further questions, please do not hesitate to contact us.

CONCLUSION

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited.

If the Examiner believes a teleconference will expedite the examination of this application, the Examiner is invited to contact the undersigned attorney at 770-933-9500.

No fee is believed to be due in connection with this submission. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to deposit account 20-0778.

Respectfully submitted,

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